

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Waiver of Service of Summons

IN RE: Goree v. Lower Merion School District

TO: Lower Merion School District

I acknowledge receipt of your request that I waive service of summons in the action of Goree v. Lower Merion School District, Docket 2:10-cv-2271-LDD in the United States District Court for the Eastern district of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and the means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Fed. R.C.P. 4.

I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of summons

I understand that judgment may be entered against me if an answer or motion under rule 12 is not served upon you within 60 days after the date of the request, or within 90 days after that date if the request was sent outside the United States.

June 4, 2010
Date

Megane E. Stefan
Signature

Duty to avoid unnecessary costs of service of summons. Rule 4 of the federal rules of civil procedure require certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant, who after being notified in action and asked to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause can be shown for its failure to sign and return the waiver. It is not good cause for failure to waive service that a party believes that the complaint is unfounded or that the action has not been brought in the proper place or that any court that lacks jurisdiction over the subject matter of the action or over its person or property. The party who waives service of the summons retains all defenses and objections except any relating to the summons or to the service of the summons, and may later object to the jurisdiction of the court or to the place where the action has been brought. A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p>Lower Merion School District c/o Megan Shafer, Esq. Wiser Pearlstine, LLP 484 Norristown Rd. Suite 100 Blue Bell, PA 19422-2326</p>		<p>A. Signature <input checked="" type="checkbox"/> R. S. Gouder <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		<p>B. Received by (Printed Name) R. S. Gouder</p>	<p>C. Date of Delivery 5/24</p>
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <i>USPS</i> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Article Number (Transfer from service label)</p>		<p>7008 3230 0000 4500 5283</p>	
<p>Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	
		<p>102595-02-M-1540</p>	

LAW OFFICES
Cotlar & Cotlar

Steven A. Cotlar
Andrew D. Cotlar*
*Also admitted to D.C. Bar

23 West Court Street
Doylestown, Pa. 18901

215-345-7310
610-847-8900
Fax 215-348-4634
www.cotlarlaw.com

May 20, 2010

Lower Merion School District
c/o Megan Shafer, Esq.
Wisler Pearlstine, LLP
484 Norristown Rd, Suite 100
Blue Bell, PA 19422-2326

CERTIFIED MAIL RETURN RECEIPT REQUESTED

RE: Goree v. Lower Merion School District; U.S. District Court, Eastern District of
PA. Docket 2:10-cv-2271-LDD; Our File T-296.

Dear Ms. Shafer:

Thank you for agreeing to accept service of the complaint and related matters in the above captioned case. Lower Merion School District has been sued in the above matter. I have enclosed the following:

- (a) A copy of the Complaint/Summons
- (b) 2 Copies of a Waiver of Service of Summons
- (c) 2 Copies of a Request for Waiver of Summons
- (d) 2 copies of the Notice of Right to Consent to Disposition of a Civil Case by a United States magistrate Judge; and
- (e) Acknowledgment of Receipt of Summons and Complaint to be returned to us.

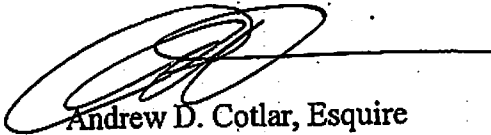
I am requesting that you consent to service of process pursuant to Rule 4 of the Federal Rules of Civil Procedure which was amended to provide that should a defendant fail to comply with the Request for Waiver without good cause; the Court may impose the costs subsequently incurred in effectuating service upon the non-complying defendant. I am also requesting that you or your attorney consent to the reference of this case to a United States Magistrate Judge and enclose the appropriate consent form which I request that you return signed to my attention as well.

Additionally, you requested a demand in the above matter. We have recently obtained the report of an expert economist concerning Ms. Goree's damages, which I enclose for your reference. It is his opinion that Ms. Goree's total economic damages are \$948,100, which constitutes our demand in this case. If your client is interested in settling this matter amicably, kindly respond if you have a reasonable counteroffer.

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Regarding your letter of May 18, 2010 and the COBRA issue, I will respond under separate cover after conferring with my client.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Cotlar', is written over a horizontal line.

Andrew D. Cotlar, Esquire
Attorney for Plaintiff

ADC: w/encl

CC: Besslindora Goree

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Goree v. Lower Merion School District

TO: Lower Merion School District

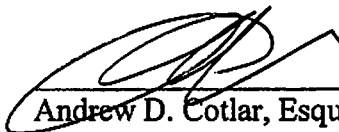
The enclosed summons and complaint were served pursuant to Rule 4(c)(2)(C)(ii) of the Federal Rules of Civil Procedure. You must complete the acknowledgment part of this form and return one copy of the completed form to the sender within 20 days.

You must sign and date the acknowledgment. If you are served on behalf of a Corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within 20 days, you (or the party on whose behalf you are being served) you may be required to pay any expense incurred in serving a summons and complaint in any other manner permitted by law.

If you do complete and return this form, you (or the party on whose behalf you are being served) you must answer the complaint within 20 days. If you fail to do so, judgment by default will be taken against you for the relief demanded the complaint.

I declare, under penalty of perjury, that this notice of the knowledge of receipt of summons and complaint was mailed on May 20, 2010.



Andrew D. Cotlar, Esquire

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above captioned matter.

By:

Date

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Notice of Lawsuit and Request for Waiver of Summons

IN RE: Goree v. Lower Merion School District

TO: Lower Merion School District


A lawsuit has been commenced against you (or the entity on whose behalf this is addressed). The copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Eastern district of Pennsylvania and has been assigned docket No. 2:10-cv-2271-LDD.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with the judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within 30 days after the date designated below as the date on which this notice and request was sent. I enclose a stamped addressed envelope for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. the action will then proceeded as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before sixty days from the date designated below as the date on which this notice is sent (or before 90 days from the date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the federal rules of civil procedure and will then, to the extent authorized by those rules, ask the court to require you to pay the full cost of such service. In that connection, please read the statement concerning the duty of parties to waive the service of summons, which is set forth on the foot of the waiver form.

I affirm that this request is being sent you on behalf of the plaintiff on May 20, 2010.



Andrew D. Cotlar, Esquire
Attorney for Plaintiff
23 West Court Street
Doylestown, PA 18901
215-345-7310

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Waiver of Service of Summons

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TO: Lower Merion School District

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Date

Signature

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United States District Court
Eastern District of Pennsylvania
United States Courthouse
Independence Mall West
601 Market Street
Philadelphia, PA 19106-1797

Chambers of
Harvey Bartle III
Chief Judge

Clerk's Office
Room 2609
Telephone
(215) 597-7704

Michael E. Kunz
Clerk of Court

**NOTICE OF RIGHT TO CONSENT TO EXERCISE OF JURISDICTION
BY A UNITED STATES MAGISTRATE JUDGE**

The district judges of this Court have found that the United States magistrate judges are experienced judicial officers who have regularly handled the disposition of hundreds of civil cases through motions and trials and are fully qualified to try any civil cases arising before this Court.

In accordance with the provisions of 28 U.S.C. §636(c), you are hereby notified that pursuant to Local Rules 72.1(h), the United States magistrate judges of this district, in addition to their other duties, may, upon the consent of all the parties in a civil case, conduct any or all proceedings in a civil case, including a jury or non-jury trial, and order the entry of a final judgment. Appropriate consent forms for this purpose are available from the clerk of court.

Your decision to consent, or not to consent, to the referral of your case to a United States magistrate judge for disposition is entirely voluntary and should be communicated solely to the clerk of the district court. Only if all the parties in the case consent to the reference to a magistrate judge will either the judge or magistrate judge be informed of your decision. If you decide to consent, your case will receive a date certain for trial.

No action eligible for arbitration will be referred by consent of the parties until the arbitration has been concluded and trial *de novo* demanded pursuant to Local Rules 53.2, Paragraph 7. The Court may, for good cause shown, or on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge.

When a case is referred to a magistrate judge for all further proceedings, including the entry of final judgment, the final judgment shall be appealed directly to the Court of Appeals for the Third Circuit in the same manner as an appeal from any other judgment of a district court.

Nothing herein shall be construed to be a limitation of any party's right to seek review by the Supreme Court of the United States.

HARVEY BARTLE III
CHIEF JUDGE

MICHAEL E. KUNZ

SUMMONS IN A CIVIL ACTION

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BESSLINDORA GOREE

v.

LOWER MERION SCHOOL DISTRICT

CIVIL ACTION NO. 10-2271

TO: (NAME AND ADDRESS OF
DEFENDANT)

*Lower Merion School
District
301 E. Montgomery Ave.
Ardmore, PA 19003*

YOU ARE HEREBY SUMMONED and required to serve upon

Plaintiff's Attorney (Name and Address)

Andrew D. Cotlar, Esq.
23 West Court Street
Doylestown, PA 18901

an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Michael E. Kunz, Clerk of Court

Date: May 17, 2010

(By) Deputy Clerk

Jesse Bruck
JESSE BRUCK